REGISTERED No. M. 7463.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. VII] **Trivandrum, Friday,** **2nd March 1962 / 11th Phalguna 1883** **[No. 45**

Development Department (Municipal Rules)

NOTIFICATION

G. O. M. S. 184/62/DD. *Dated, Trivandrum, 2nd March* 1962.

S. R. O. No. 71/62. Under sub-section (1) of Section 7 of the Kerala Municipalities Act, 1960 (Act 14 of 1961) and in supersession of notification issued in G. O. MS. 538/61/H& LD dated 3-5-1961 and published in Kerala Gazette Extraordinary No. 49 dated 3-5-1961, the Government of Kerala hereby notify that the Mattancherry Municipal Council shall consist of 32 Councillors and under sub-sections (3) and (6) of the said section determine that out of these seats, one seat shall be reserved for scheduled castes and scheduled tribes and two seats shall be reserved for women.

By order of the Governor,

S. ANANTAKRISHNAN,
Development Commissioner and Additional Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1962.

REGISTERED No. M. 7463.

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. VII.] Trivandrum, Friday, 2nd March, 1962 / 11th Phalguna 1883 [No. 46

Legislature Secretariat

NOTIFICATION

No. 1184|LA4|62.

Dated, Trivandrum, 2nd March 1962.

The following Bill together with the Statement of Objects and Reasons, is published, as ordered by the Speaker under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

D. TIRUMALAI IYENGAR,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM. 1962.

L. A. Bill No. 4 of 1962

THE KERALA RYOTWARI TENANTS PROTECTION BILL, 1962

A

BILL

to provide for the temporary protection of tenants of ryotwari lands in the taluks of Hosdrug and Kasaragod in the Cannanore district.

Preamble.—WHEREAS it is expedient to provide for the temporary protection of tenants of ryotwari lands in the taluks of Hosdrug and Kasaragod in the Cannanore district, pending the enactment of a comprehensive legislation relating to tenancy and agrarian reforms for the area comprising those taluks;

BE it enacted in the Thirteenth Year of the Republic of India as follows:—

1. *Short title, extent, application and duration.*—(1) This Act may be called the Kerala Ryotwari Tenants Protection Act, 1962.

(2) It extends to the taluks of Hosdrug and Kasaragod in the Cannanore district and applies to the ryotwari lands in the said taluks.

(3) It shall cease to have effect on the 11th day of January, 1963.

(4) Upon the expiry of this Act, the provisions of section 4 of the Interpretation and General Clauses Act, 1125 (Act VII of 1125), shall apply as if this Act had then been repealed by an Act of the Kerala State Legislature.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(i) "tenant" means a tenant as defined in the Kerala Agrarian Relations Act, 1960, and includes—

(a) the holder of a vaidageni lease;

(b) a person holding under a transaction described in the document evidencing it as Bhogya, Otti, Nattotti, Arwar, Illidarwar or Krithasartha Illidarwar, but not being a usufructuary mortgage as defined in the Transfer of Property Act, 1882 (Central Act 4 of 1882).

Explanation.—For the purposes of this clause, 'vaidageni lease' means a lease for a term of years;

(ii) "varomdar" means a person who cultivates under a varom arrangement, and includes a crop-sharer;

(iii) words and expressions used but not defined in this Act, and defined in the Kerala Agrarian Relations Act, 1960, shall have the meanings respectively assigned to them in that Act.

3. *Stay of eviction and of proceedings for recovery of rent.*—Notwithstanding anything to the contrary contained in any other law for the time being in force, or in any custom, usage or contract, or in any decree or order of court,—

(1) no suit or other proceedings—

(i) for eviction of a tenant from his holding; or

(ii) for recovery of rent of any land from a tenant accrued due before the 11th day of April, 1957, or for damages for use and occupation of any land from a person for any period prior to the said date,

shall lie in any court, and all suits, proceedings in execution of decrees or orders, and other proceedings pending in the courts at the commencement of this Act, for such eviction or for recovery of such rent or damages, shall be stayed;

(2) in any suit for recovery from a tenant of rent accrued due subsequent to the 11th day of April, 1957, where the rent payable is more than the rent calculated at the rate specified in the Schedule for the appropriate class of land, the court may grant an interim decree for an amount not in excess of the amount so calculated and shall stay the proceedings in respect of the claim for the balance amount;

(3) where a decree has been passed for recovery from a tenant of rent accrued due subsequent to the 11th day of April, 1957, and the amount decreed exceeds the amount calculated at the rate referred to in clause (2), the court shall, on application made by the tenant on or before the 11th day of April, 1962, or within such further time as the court may, for good and sufficient reasons, allow, reopen the decree and grant an interim decree for the amount so calculated and stay the proceedings in respect of the claim for the balance amount.

4. *Varomdar's right to continue to cultivate land.*—Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, where, in respect of any land, there is a varomdar at the commencement of this Act, he shall be entitled to cultivate the land on the same terms and conditions under which he was cultivating the land immediately before the commencement of this Act.

Explanation.—For the purposes of this section, any person who, on the 11th day of April, 1961, continued in cultivation of any land by virtue of the provisions of section 6 of the Kerala Stay of Eviction Proceedings Act, 1957, shall be deemed to be a varomdar, notwithstanding the expiry of the term fixed under the varom arrangement.

5. *Remission of rent.*—(1) Where there has been a damage to, or a failure of, crops owing to causes beyond the control of the tenant in any holding, the tenant shall be entitled to a remission of the rent payable by him in proportion to the extent of such damage or failure.

(2) The District Collector shall, on an application to him by the tenant, determine the extent of damage to, or failure of, crops under sub-section (1) and other such remission of rent as appears to him just and proper. The decision of the Collector shall be final and the tenant shall be entitled to get the benefit of the remission so ordered.

(3) An application for remission of rent on any of the grounds specified in sub-section (1) filed by a tenant on or after the 15th day of February, 1961, shall be deemed to have been field under this section as if this section were in force on the date on which it was filed, and accordingly any order passed on any such application shall be deemed to have been validly made under this section.

6. *Limitation.*—In computing the period of limitation prescribed for the institution of suits or proceedings prohibited or stayed under this Act, the time during which such suits or proceedings are prohibited or stayed shall be excluded.

7. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Act.

(2) All rules made under this Act shall be laid before the Legislative Assembly for a period of not less than fourteen days, as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

8. *Repeal and saving.*—(1) The Kerala Ryotwari Tenants Protection Ordinance, 1962 (Ordinance No. 1 of 1962), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 11th day of January, 1962.

THE SCHEDULE

(See section 3)

Sl. No.	*Class of land.*	*Rate of rent.*
(1)	(2)	(3)
1	Lands converted into nilam by tenant's labour	1/9 of the gross paddy produce.
2	Single crop nilam converted into double crop nilam by tenant's labour—	
	(i) For first crop	1/5 of the gross paddy produce.
	(ii) For second crop	1/12 of the gross paddy produce.
3	Lands cultivated on—	
	(i) Kaipad system	1/12 of the gross paddy produce.
	(ii) Palliyal system	1/12 of the gross paddy produce.
4	Nilams not falling under item 1, item 2, or item 3	1/5 of the gross paddy produce.
5	Garden—	
	(a) Cocoanut trees in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenants Improvements Act, 1958	1/12 of the gross cocoanut produce.
	(b) Cocoanut trees in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenants Improvements Act, 1958	1/3 of the gross cocoanut produce.
	(c) Arecanut trees in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenants Improvements Act, 1958.	1/14 of the gross arecanut produce

(1)	(2)	(3)
	(d) Arecanut trees in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenants Improvements Act, 1958.	1/4 of the gross arecanut produce
	(e) Pepper-vine in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenants Improvements Act, 1958.	1/10 of the gross pepper produce
	(f) Pepper-vine in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenants Improvements Act, 1958.	1/4 of the gross pepper produce
6	Paramba	1/12 of the gross produce
7	(i) Tharisu land cultivated with groundnut or other crops notified by the Government.	1/8 of the gross produce
	(ii) Tharisu land not falling under item (i) above	Rs. 5 per acre
8	Lands under Punam or Kumri cultivation.	Rs. 3 per acre

STATEMENT OF OBJECTS AND REASONS

By a judgment pronounced on the 5th December, 1961, the Supreme Court struck down the Kerala Agrarian Relations Act, 1960 (Act 4 of 1961), in its application to ryotwari lands in Kasaragod and Hosdrug taluks of the State. Consequently, the tenants of ryotwari lands in those two taluks were left with no protection in the matter of eviction and recovery of arrears of rent. Therefore, pending enactment of a fresh agrarian relations legislation applicable to the area, the Kerala Ryotwari Tenants Protection Ordinance, 1962 (Ordinance 1 of 1962) was promulgated on 11-1-1962. The Bill is intended to replace the Ordinance by an Act of the Legislature.

K. CHANDRASEKHARAN.